Via Facsimile (703) 872-9306

9D-HR-20193-DIV
PATENT

REMARKS

The Office Action mailed August 24, 2004 has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 1-8 are now pending in this application. Claims 1-8 stand rejected.

The rejection of Claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Linstromberg (U.S. Patent No. 3,855,812) is respectfully traversed.

Linstromberg describes a refrigerator (10) including a freezer space (12), including an ice maker (13), and a refrigerator space (14). The icemaker includes a mold (22) and a water supply valve (23) that delivers water through an inlet (24). Ice is delivered from the ice maker to a collecting bin (25) by movement of a transfer device (26) through the mold in a harvesting cycle. Control (28) includes a drive motor (29) that is controlled by a thermostat (32) that senses mold temperature to control the ice harvesting cycle, initiating the cycle by energizing a mold heater (34). A gang switch (35) includes single pole double throw switches (36) and (37), of which, switch (37) provides a power connection to a thermostat switch (38) that controls the parallel combination of a compressor (18), a condenser fan (39), and an evaporator fan (40).

Claim 1 recites an ice maker including "a mold comprising at least one cavity for containing water therein for freezing into ice; a water supply comprising at least one valve for controlling water flow into said mold; an ice removal heating element operationally coupled to said mold; and an ice maker control system operationally coupled to said valve and said ice removal heating element and configured to control said valve; control said ice removal heating element; and provide a signal to a refrigerator control system".

Linstromberg does not describe or suggest an icemaker that includes a mold including at least one cavity for containing water therein for freezing into ice, a water supply including at

least one valve for controlling water flow into the mold, an ice removal heating element operationally coupled to the mold, and an ice maker control system operationally coupled to the valve and the ice removal heating element and wherein the control system is configured to control the valve, control the ice removal heating element, and provide a signal to a refrigerator control system. Moreover, Linstromberg does not describe or suggest an ice maker control system configured to provide a signal to a refrigerator control system. Rather, Linstromberg describes a refrigeration system controlled by a thermostat switch from which power is diverted during defrost cycles.

Applicant respectfully traverses the assertion in the Office Action that, with regard to the ice maker control system in Linstromberg, "The control system further provides a signal via the switch 46 and the switch 36 to a separate refrigerator control system 37, 18, 39, 40." Element (37) is a single pole, double throw switch, while elements (18), (39), and (40), respectively are the compressor, condenser fan, and evaporator fan of the refrigerator (col. 4, lines 5-9, and Fig. 2). Rather than being part of a control system, the compressor, condenser fan, and evaporator fan are the refrigeration components that are controlled. The compressor, condenser fan, and evaporator fan operate under the control of the thermostat (38) (col. 4, lines 35-38, and Fig. 2). Thus, the thermostat (38) is the only component that could be considered to be a "control system" for the refrigerator. Further, the switch (37) only connects the line voltage L_1 to the thermostat (38). Switch (46) is a motor holding switch that maintains operation of the motor (29) (col. 4, lines 51-54). Switch (36) provides a holding circuit to the motor (29) during defrost operations (col. 4, lines 3-5). Neither of the switches (36) and (46) is described as providing any signal to the thermostat (38).

Accordingly, for the reasons set forth above, Claim 1 is submitted to be patentable over Linstromberg.

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Claims 2-4 depend from independent Claim 1. When the recitations of Claims 2-4 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-4 likewise are patentable over Linstromberg.

Claim 5 recites a refrigerator including "a fresh food compartment; a freezer compartment separated from said fresh food compartment by a mullion; an ice maker positioned within said freezer cavity; and a refrigerator control system configured to control a temperature of said freezer compartment and said fresh food compartment, said refrigerator control system configured to receive a signal from an ice maker control system".

Linstromberg does not describe or suggest a refrigerator including a fresh food compartment, a freezer compartment separated from said fresh food compartment by a mullion, an ice maker positioned within the freezer cavity, and a refrigerator control system configured to control a temperature of the freezer compartment and the fresh food compartment, and wherein the refrigerator control system is configured to receive a signal from an ice maker control system. Moreover, Linstromberg does not describe or suggest a refrigerator control system that is configured to receive a signal from an ice maker control system. Rather, Linstromberg describes a refrigeration system controlled by a thermostat switch from which power is diverted during defrost cycles.

For the reasons set forth above, Claim 5 is submitted to be patentable over Linstromberg .

Claims 6-8 depend from independent Claim 5. When the recitations of Claims 6-8 are considered in combination with the recitations of Claim 5, Applicant submits that dependent Claims 6-8 likewise are patentable over Linstromberg .

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-8 be withdrawn.

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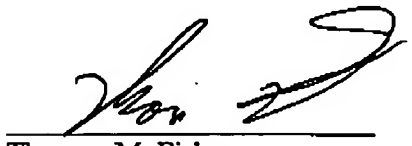
In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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